

ESTTA Tracking number: **ESTTA173866**

Filing date: **11/09/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91177540
Party	Plaintiff Point Mortgage
Correspondence Address	JOHNNY MARGARINI POINT MORTGAGE 9999 SUNSET DR #208 MIAMI, FL 33173 UNITED STATES JOHNNY@PMCLOANS.COM
Submission	Answer to Counterclaim
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Date	11/09/2007
Attachments	answr2cntrclm.pdf (4 pages)(45367 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 78973431
Filed September 13, 2006
For the Mark: ONPOINT MORTGAGE in IC 36

Point Mortgage Corporation)	Opposition No.: 91177540
)	
Opposer,)	
)	
v.)	
)	
OnPoint Community Credit Union)	
)	
Applicant.)	
_____)	

**OPPOSER’S ANSWER TO APPLICANT’S COUNTERCLAIMS
FOR CANCELLATION**

Opposer, Point Mortgage Corporation (“Opposer”), pursuant to 37 CFR §
2.106(b)(1), does hereby answer the Applicant’s, OnPoint Community Credit Union
 (“Applicant”), Counterclaim for Cancellation of Registration No. 2,977,562 as follows:

**FIRST COUNTERCLAIM
(Fraud for failure to use the mark for the services recited)**

1. As to Paragraph 7 of Applicant’s Counterclaim, Opposer **ADMITS** that the
mark POINT MORTGAGE is registered on the Principal Register under
Registration No. 2,977,562.
2. As to Paragraph 8 of Applicant’s Counterclaim, Opposer **ADMITS** that
“mortgage lending” is listed under the Goods/Services section of application

Serial No. 76534240. The remaining allegations contained in Paragraph 8 are **DENIED**.

3. As to Paragraph 9 of Applicant's Counterclaim, Opposer **DENIES** the allegations contained therein.
4. As to Paragraph 10 of Applicant's Counterclaim, Opposer **DENIES** the allegations contained therein.
5. As to Paragraph 11 of Applicant's Counterclaim, Opposer **DENIES** the allegations contained therein.
6. As to Paragraph 12 of Applicant's Counterclaim, Opposer **DENIES** the allegations contained therein.

SECOND COUNTERCLAIM
(Failure to use POINT MORTGAGE as a trademark)

7. As to Paragraph 14 of Applicant's Counterclaim, Opposer **ADMITS** that the entity "Point Mortgage Corporation" is organized under the laws of the State of Florida. The remaining allegations contained in Paragraph 14 are **DENIED**.
8. As to Paragraph 15 of Applicant's Counterclaim, Opposer **DENIES** the allegations contained therein.
9. As to Paragraph 16 of Applicant's Counterclaim, Opposer **ADMITS** that "trade names" cannot be registered on the Principal Register. Opposer's service mark, on the other hand, is registered. Opposer **ADMITS** that POINT MORTGAGE is not being used as a trademark, but as a service mark.

10. As to Paragraph 17 of Applicant's Counterclaim, Opposer **DENIES** the committing fraud. The remainder of Applicant's allegation is contradictory and confusing and is also **DENIED**. Trade names cannot be registered on the Principal Register, thus, POINT MORTGAGE cannot be a trade name and its registration cannot constitute fraud.
11. As to Paragraph 18 of Applicant's Counterclaim, Opposer **DENIES** the allegations contained therein.

Date: November 9, 2007

Respectfully Submitted,

By: / JOHNNY MARGARINI/

Johnny Margarini
4538 Bonita Road
Bonita, CA 91902
President of Opposer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true correct copy of the foregoing was served via U.S. First Class Mail, this 9th day of November, 2007, to Stephen Cook, Bullivant, Houser, Bailey, P.C., Attorney for Applicant, 888 S.W. Fifth Ave., Suite 300, Portland, Oregon 97204.

BY: /JOHNNY MARGARINI/

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